

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

ALL CASES

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**[PROPOSED] ORDER GRANTING MOTION FOR ORDER  
PROHIBITING *EX PARTE* COMMUNICATIONS**

Upon consideration of the Pharmacy Defendants' Motion for Order Prohibiting *Ex Parte* Communications, the Court hereby ORDERS that *ex parte* communications with the Court or any special master are prohibited in this MDL, except as follows:

1. when circumstances require it, for scheduling, administrative, or emergency purposes, but only if the *ex parte* communication does not address substantive matters and the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication;
2. to obtain the written advice of a disinterested expert on the law, but only after giving advance notice to the parties of the person to be consulted and the subject matter of the advice and affording the parties reasonable opportunity to object and respond to the notice and to the advice received; and,
3. for in camera review of documents to resolve privilege questions.

All other *ex parte* communications with the Court or any special masters are prohibited, including without limitation *ex parte* communications on any disputed or potentially disputed issue; *ex parte* communications on any legal, factual, or discovery issue; *ex parte* communications on all case management subjects such as case management orders, discovery deadlines, trial dates, case tracks, remands, and amendments; and *ex parte* communications on settlement.

To the extent this Order is inconsistent with Section II.B of the Appointment Order, ECF No. 69 at 3, this Order controls, and the Appointment Order is hereby modified accordingly.

IT IS SO ORDERED.

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Honorable Judge Dan A. Polster